

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PATRICIA DAFFIN,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. C-1-00 458

Judge Dlott

**DECLARATION OF JOHN F.
NIBLOCK**

I, John F. Niblock, declare as follows:

1. I am counsel of O'Melveny & Myers LLP, and I am appearing in this action on behalf of defendant Ford Motor Company. I have personal knowledge of the following facts unless otherwise stated and could and would competently testify to them if called to do so in a court of law.

2. I am lead counsel for Ford in this case, I have previously appeared to argue plaintiffs' earlier class certification motion, and I plan to argue the pending motion for class certification.

3. I am also an integral member of the trial team in *Doe v. Unocal Corp*, Case No. BC 237980 (L.A. Co. Super. Ct.).

4. On September 16, 2003, this Court granted Ford's Motion for Oral Argument on Plaintiff's Motion for Certification of a Statewide Class, and set November 13, 2003 as the hearing date.

5. On October 31, 2003, the Court ordered the parties to prepare to respond to certain class and jurisdictional issues.

6. Shortly after the Court issued its October 31, 2003 order, Plaintiff's counsel, John Murdock, telephoned me to propose that the parties submit written responses to the issues raised in the Court's order. Mr. Murdock noted that if the Court allowed such briefing, the date for oral argument might need to be moved.

7. I informed Mr. Murdock that Ford was prepared to argue the class certification motion on November 13, 2003, as originally scheduled, and did not believe that postponement or further briefing was necessary. Nevertheless, I indicated that if Plaintiff requested additional briefing, Ford would not oppose Plaintiff's motion. I noted, however, that I was scheduled to be in trial in the *Unocal* beginning December 3, 2003. The December 3 trial date in *Unocal* had been established by the Hon. Victoria Chaney on September 30, 2003. *See* Notice of Ruling Re September 30, 2003 Status Conference (a true and correct copy of which is attached as Exhibit 1 hereto). Given that the *Unocal* trial could last several weeks, it posed a potential conflict for rescheduling oral argument on the class certification motion. Mr. Murdock indicated that if such a conflict did arise, Plaintiff would not oppose further delaying oral argument on her class certification motion.

8. On November 6, 2003, this Court issued an order continuing the hearing on class certification to December 11, 2003, and ordering the parties to brief the issues raised in the October 31, 2003 order.


9. On November 18, Judge Chaney delayed the start of the *Unocal* trial briefly from December 3 to December 9, 2003. *See* Transcript of Proceedings at 14 (November 18, 2003) (attached hereto as Exhibit 2). In subsequent hearings for which transcripts are not yet available, Judge Chaney reaffirmed that the *Unocal* trial will take place from December 9 – 16, 2003, and resume again on January 13, 2004 for approximately two additional weeks. Judge

Chaney has stated that she is unwilling to move the December 9 trial date. Given the conflict described above, a brief delay of the oral argument on plaintiffs' motion for class certification is appropriate.

10. I have been in Los Angeles preparing for the *Unocal* trial since November 17, 2003, and am scheduled to remain there until the trial goes on hiatus on December 17, 2003.

11. Ford's counsel has conferred with Plaintiff's counsel, and Plaintiff's counsel has indicated that they do not oppose rescheduling oral argument on class certification as proposed herein.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 2, 2003 at Los Angeles, CA.


John F. Niblock